

Notice of Allowability

Application No.

10/044,507

Examiner

Julian Mercado

Applicant(s)

GORE ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8-22-05.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

Remarks

This Office action is responsive to applicant's amendment filed August 22, 2005.

Claim Rejections - 35 USC § 102 and 103

The rejection of claims 1, 2 and 19 under 35 U.S.C. 102(e) or 35 U.S.C. 103(a) based on Hockaday et al. (U.S. 2001/0049045 A1) has been obviated.

The rejection of claims 6 and 7 under 35 U.S.C. 103(a) based on Hockaday et al. and Vieira et al. (U.S. Pat. 5,098,477) has been obviated.

The rejection of claims 10 and 11 under 35 U.S.C. 103(a) based on Hockaday et al. and Bauer (U.S. Pat. 4,523,852) has been obviated.

The rejection of claims 12-15 under 35 U.S.C. 103(a) based on Hockaday, Vieira et al. and Bauer. has been obviated.

The rejection of claims 8 and 9 under 35 U.S.C. 103(a) based on Hockaday et al. and Beecher et al. (U.S. Pat. 5,192,984) has been obviated.

Allowable Subject Matter

Claims 1-19 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest the instant invention regarding a dye with a characteristic wavelength

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which changes in response to changes in fuel concentration within the volume of the fuel solution.

The examiner concedes with applicant's assertion that the closest prior art, that to Hockaday, exemplifies a change in absorbance A_{λ} of the solution. Applicant's present amendment clarifies that it is the *wavelength* of the dye (and not the light *absorption* or emission thereof) that changes in response to changes in fuel concentration. (emphasis added) The claims are allowed consistent with the previously indicated allowable feature of the instant dye being "chemically responsive" insofar as a "[c]hange in wavelength... is an indication of a change in the chemical state of a compound". (referring to applicant's remarks on pg. 7)

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

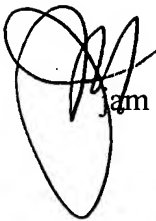
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, consisting of a large, stylized 'M' or 'W' shape with a vertical line through it, and the letters 'jam' written below it.A handwritten signature in black ink, consisting of a stylized 'h' or 'r' shape.

PATRICK JOSEPH RYAN
SUPERVISORY PATENT EXAMINER